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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,125	12/29/2000	Luke A. Johnson	INTL-0513-US (P10388)	8725
21906	7590	07/17/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			TRAN, KHAI	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/752,125	Applicant(s) JOHNSON, LUKE A.	
	Examiner KHAI TRAN	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 22-24 is/are rejected.
- 7) ☒ Claim(s) 4-9, 11-18 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 5/05/2006 has been entered. Claims 1-28 are pending in this Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 10, 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Velazquez et al (U.S. Pat. 6,177,893).

Regarding claim 1, Velazquez et al disclose a storage device (an array having a plurality of converters, see col. 8, lines 7-33, therefore, the array is equivalent to the storage), a block (a compensation circuit 250) to adjust the position of the data in the

storage device to account for the sampling rate of the apparatus being different than a rate of a received data (see col. 8, lines 7-33, wherein the compensation circuit may also include rate changers to adjust the signal rate from the rate used by the converters in the array to the effective sample rate of the full system. For example, if the individual converters in the array are sampling at $1/M$ the effective sample rate of the full system, then digital upsamplers can be used to increase the rate by a factor of M to equal that of the system output).

Regarding claim 2, Velazquez et al disclose wherein the block adjusts a portion of the data in response to receiving a plurality of bits in a response to sampling a portion of an incoming data (a use of adjustment of the portion of the data is performed by decreasing or increasing the data rate of the signals to the converter array by a factor of M , see col. 10, line 36 to col. 11, line 16, see col. 6, lines 44-57).

Regarding claim 3, Velazquez et al disclose the block comprising a detector to detect the at least one sampling error (a decomposition 120).

Claim 10 is similar to claim 1. Furthermore, Velazquez et al disclose that a sampling used to sample incoming data using a plurality of sampling clocks to provide a plurality of samples (a clock circuit 240, see col. 7, lines 40-52).

Claim 22 is similar to claim 1. Therefore, claim 22 is rejected under a similar rationale.

Claim 23 is similar to claim 2. Therefore, claim 2 is rejected under a similar rationale.

Claim 24 is similar to claim 3. Therefore, claim 24 is rejected under a similar

rationale.

Allowable Subject Matter

4. Claims 19-21 are allowed
5. Claims 4-9, 11-18, 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 5/05/2006 have been fully considered but they are not persuasive.

Applicant asserts that there is no data position in an analog to digital converter. Therefore, at least initially because there is no storage device that is asserted in Velazquez.

In response to the Applicant's argument that the Velazquez discloses that the array which is well known in computer system, and the array is illustrated by Electronic Computer Glossary. The Electronic Computer Glossary defines that array is ordered arrangement of data elements, an array can be as simple as a pricing table held in memory for instant access by an order entry program. Therefore, the array reads on the storage device for storing data as recited in the claims.

Applicant asserts that there is no adjusting of the position of data in the storage device.

In response to the Applicant's argument that the compensation circuit includes rate chargers to adjust the signal rate from the rate used by the converters in the array to the effective sample rate of the full system (see col. 8, lines 7-33).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAIR TRAN whose telephone number is (571) 272-3019. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KHAI TRAN
Primary Examiner
Art Unit 2611

KT
July 12, 2006